

Appl. No.: 10/672,446
TC/A.U.: 3765 Docket No.: G03-01
Reply to Office Action of July 26, 2004

REMARKS

Claims 1, 3-7, and 9-10, appear in this application for the Examiner's review and consideration.

Claim 1 has been amended to recite the limitations of claim 2, which cites the edge section that secures the magnet so that it can't be inadvertently dislodged. Incorporated into the claim is the recitation that the magnet is embedded within the holder and that the bottom surface of the magnet is in contact with the glove and not the base of the holder. Support for the amended statement as to the magnet being embedded and therefore offering more flexibility that the larger magnet of the prior art is found in the Specification, on page 3, lines 2-4.

Claims 7 and 10 have been amended to recite the limitations as discussed above for claim 1, and the reasons and support for the limitations are the same as discussed for claim 1 above.

Claim 9 has been amended to depend upon claim 7, rather than claim 6, which was inadvertently entered in the original application.

Claims 2 and 8 have been cancelled without prejudice to Applicants' right to file one or more continuing applications directed to any subject matter not presently claimed.

No new matter has been added by these amendments and additions.

SUMMARY OF THE INVENTION

The present invention is an improvement over the Applicants prior patent (U.S. Pat. 6,513,165), which has been cited as the primary prior art reference.

The prior patent utilizes a large magnet seated in a plastic holder which is sewn into the golf glove. The magnet being non-flexible created some problems when the golfer twisted and contorted his/her hand while making the shots required in a golf game. Even though some adhesives were used to secure the magnet in the holder, the hand action of a golfer could dislodge it and pop it out of the holder. Clearly a smaller magnet was seen as an improvement in flexibility, but it was apparent that the most needed improvement was to better secure the magnet in the holder. In the prior art patent, the only thing holding the magnet in the holder was an adhesive. There was no lip, edge, or any other sort of

Appl. No.: 10/672,446
TC/A.U.: 3765 Docket No.: G03-01
Reply to Office Action of July 26, 2004

configuration that would embed the magnet, and therein prevent it from becoming dislodged. The present invention physically embeds the magnet in the holder.

Rejection Over England et al.

Claims 1-10 were rejected under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent No. 6,513,165 to England *et al.* England '165 is generally directed to placing a magnet in an aperture within a plastic base wherein the magnet may be held in place by adhesives or the like. If the adhesives give way because of pressure upon the holder, due to movement of the golfer's hand, then the magnet can very easily pop out and be of little further use. The Applicants' respectfully must disagree with Examiners assertion (page 3, lines 3 to 8) in the Office Action wherein the Examiner states that there is an edge section around the first aperture to secure the magnet. There is none, as the magnet is dropped into the aperture and preferably held by an adhesive.

The Applicants have physically embedded the magnet by inserting the magnet into the bottom of the holder and with the edge section 45 containing the magnet 33. As seen best in Fig. 5, the magnet cannot exit through the open top. And, since the magnet 33 is not held by adhesives against the base of the plastic holder 20, but rather is juxtaposed against the soft material of the glove, there is a slight increase in the flexibility in this area of the glove.

For claims to be rejected under 35 U.S.C. § 102(a), each and every element as set forth in the claims of the present invention must be found, either expressively or inherently, in a single prior art reference. Applicants respectfully submit that England '165 does not disclose all the elements of the claimed invention, especially as it relates to the embedding of the magnet in the holder or the direct contact of the magnet to the soft glove material.

Accordingly, independent claims 1, 7 and 10, are believed to be in condition for allowance for at least the reasons set forth above. Moreover, the remaining claims 3-6, and 9, depend from the claims discussed above and add additional features. These claims are believed to be patentable for the totality of the claimed inventions therein and by virtue of their dependence from the independent claims. As such, Applicants respectfully request that the rejection under 35 U.S.C. § 102(a) be reconsidered and withdrawn.

Appl. No.: 10/672,446
TC/A.U.: 3765 Docket No.: G03-01
Reply to Office Action of July 26, 2004

Rejection Based On Nonstatutory Double Patenting

Claims 1-10 were rejected under the judicially created doctrine of obviousness-type of double patenting over claims 1-20 of U.S. Patent No. 6,513,165 to England. It is believed that the claims, as amended and supported in the specification, are now patently distinct from those of the cited prior art.

The Applicants respectfully request that the double patenting rejection be reconsidered and withdrawn.


Conclusion

Based on the remarks set forth above, Applicants believe that all of the rejections have been overcome and the claims of the subject application are in condition for allowance. Should the Examiner have any further concerns or believe that a discussion with the Applicants' agent would further the prosecution of this application, the Examiner is encouraged to call the agent at the number below.

No fee is believed to be due for this submission. However, should any required fees be due, please charge them to Acushnet Company Deposit Account No. 502309.

Respectfully submitted,

Aug 16, 2004
Date


D. Michael Burns (Reg. No. 38,400)
(508) 979-3563

Customer Number: 40990